



EDMS ALERT: Change Regarding Surrender of Original Note

The EDMS Business Advisory Committee has determined that the original note or proof of indebtedness that must be surrendered under Iowa Rule of Civil Procedure 1.961 shall be electronically filed.

Motion: Notes or other written evidence of indebtedness are governed by Rule 16.411 which trumps the application of Rule 1.961 in EDMS counties. Motion seconded and unanimously approved.

In all cases where the original note or written evidence of indebtedness must be surrendered pursuant to Rule 1.961, the note or other proof of indebtedness must be electronically filed. The filer must retain the original document per Rule 16.411.

Rule 1.961 Notes surrendered. The clerk shall not, unless by special order of the court, enter or record any judgment based on a note or other written evidence of indebtedness until such note or writing is first filed with the clerk for cancellation. [Report 1943; amendment 1945; October 31, 1997, effective January 24, 1998; November 9, 2001, effective February 15, 2002]

Rule 16.411 Original documents.

16.411(1) Generally. When the law requires the filing of an original document, such as a will, mortgage document, birth certificate, foreign judgment, or other certified or verified document, the filer shall scan the original document and file the scanned document in the electronic document management system. For a period no less than two years or until the conclusion of the case or the conclusion of an appeal, or the conclusion of the estate, whichever is later, the filer shall immediately deliver the original document to the court upon request of the court or the other party for inspection and electronic preservation, if necessary.

16.411(2) Exceptions for authorized governmental agencies. A governmental agency with statutory authority to destroy an original document after making an unaltered image or reproduction of the original document shall retain and, upon request of the court or other party, immediately deliver an unaltered image or reproduction of the original document to the court or other party for inspection and reproduction, if necessary.